

In The United States District Court
For The District of Wyoming

FIRSTMARK CONSTRUCTION, LLC, a
Montana Limited Liability Company,
individually and in the name of the
UNITED STATES OF AMERICA
for the use of FIRSTMARK
CONSTRUCTION, LLC

Plaintiff,

vs.

MOUNTAIN CONSTRUCTION
COMPANY, a Wyoming Corporation, and
EMPLOYERS MUTUAL CASUALTY
COMPANY, an Iowa Corporation,

Defendants.

MOUNTAIN CONSTRUCTION COMPANY,
A Wyoming Corporation,

Counter-Claimant and Third-Party
Plaintiff,

vs.

FIRSTMARK CONSTRUCTION, LLC, a
Montana Limited Liability Company; and
FIDELITY AND DEPOSIT COMPANY
OF MARYLAND, an Illinois Corporation,

Counter-Defendant and Third-Party
Defendant

Civil No. 20-CV-97-F

STIPULATION OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPUALTED AND AGREED, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), that all claims asserted in all parties' pleadings are hereby dismissed with prejudice, with each party to bear its own attorneys' fees and costs.

DATED THIS 21st day of January 2022.

/s/ Colin M. Simpson
Colin M. Simpson, WSB #5-2312
Larry B. Jones, WSB #5-1847
BURG SIMPSON ELDREDGE
HERSH & JARDINE, P.C.
1135 14th Street
Cody, WY 82414
Telephone: (307) 527-7891
Fax: (307) 527-7897
csimpson@burgsimpson.com
ljones@burgsimpson.com

Attorneys for Defendant/Third-Party
Plaintiff Mountain Construction
Company and Defendant Employers
Mutual Casualty Company

/s/ Andrew P. Reitman
Andrew P. Reitman, WSB #7-5946
Michael N. DiCanio (*pro hac vice*)
HALL & EVANS, LLC
1001 17th Street, Ste. 30
Denver, CO 80202
Telephone: (303) 628-3300
Fax: (303) 628-3368
reitmana@hallevans.com
dicaniom@hallevans.com

Attorneys for Plaintiff FirstMark
Construction, LLC and Third-Party Defendant
Fidelity and Deposit Company of Maryland